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Security Council

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 19 April 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and, with reference to his note of 16 March 2006, has the honour to communicate to the Committee the information of the Republic of Slovenia on the implementation of the above-mentioned resolution (see annex).

06-31838 (E) 030506

Annex to the note verbale dated 19 April 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Committee

The Ministry of Foreign Affairs of the Republic of Slovenia presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and with reference to his note SCA/1/06(05) of 16 march 2006 has the honour to communicate the following.

As a member state of the European Union (EU), Slovenia is bound to respect its legal acts according to the EU legal order, including acts adopted for the implementation of UN Security Council resolutions on the imposition of sanctions. According to that, paragraphs 7, 9 and 11 of resolution 1572 (2004), as well as paragraph 4 of resolution 1643 (2005), have been implemented in Slovenia by the Decree imposing restrictive measures against Côte d'Ivoire (Official Journal of the Republic of Slovenia, No 108/05), in accordance with the following EU legal acts:
Common Position 2005/852/CFSP (OJ L 368, 15.12.2004, p. 50) as amended (arms embargo, travel ban);
Council Regulation (EC) No 174/2005 (OJ L 29, 2.2.2005, p. 5) as amended (ban on exports of equipment for internal repression, ban on certain services);
Council Regulation (EC) No 560/2005 (OJ L 95, 14.4.2005, p. 1) as amended (freezing of funds).

With reference to paragraph 6 of resolution 1643 (2005), the Council of the European Union adopted Common Position 2006/30/CFSP (OJ L 19, 24.1.2006, p. 36), in which it referred to Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process Certification Scheme for the international trade in rough diamonds (OJ L 358, 31.12.2002, p. 28, as amended) and pursuant to which the Republic of Slovenia adopted Decree implementing the Kimberley Process Certification Scheme for the international trade in rough diamonds (Official Journal of the Republic of Slovenia, No 87/04).

As regards any specific measures taken to implement the said resolutions and relevant EU and Slovenian legal acts by the Slovenian competent authorities, the Ministry has the honour to

communicate that according to the available data there were so far no cases for which the above legal provisions require action to be taken by the said competent authorities.

The Ministry of Foreign Affairs of the Republic of Slovenia avails itself of this opportunity to renew to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire the assurance of its highest consideration.

Ljubljana, 12 April 2006

UNITED NATIONS
SECURITY COUNCIL
CHAIRMAN OF THE
SANCTIONS COMMITTEE
1572 (2004) - CÔTE D'IVOIRE
NEW YORK

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Security Council

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 12 April 2006 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Norway to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and, with reference to the latter's note verbale dated 16 March 2006, has the honour to transmit herewith the report of the Government of Norway, in accordance with paragraph 7 of Security Council resolution 1643 (2005) (see annex).

06-31831 (E) 030506

Annex to the note verbale dated 12 April 2006 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

REPORT PURSUANT TO PARAGRAPH 7 OF SECURITY COUNCIL RESOLUTION 1643 (2005) TO THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1572 (2004) CONCERNING CÔTE D'IVOIRE

NORWAY

I. Introduction

1. Norway remains fully committed to the implementation of the measures established by United Nations Security Council Resolution 1643 (2005), as well as the measures in resolution 1572 (2004).

II. The sanctions against CÔTE D'IVOIRE - Legal measures

2. Section 1 of Act of 7 June 1968 relating to the implementation of mandatory decisions of the Security Council provides the legal basis for the King in Council to issue such regulations as are necessary for the implementation of such decisions.

3. The Regulations of 10 December 2004 relating to sanctions against Côte d'Ivoire were laid down pursuant to this provision in order to implement the measures established in Security Council Resolutions 1572 (2004). The regulations were amended 16 January 2006 in order to implement the measures established in Security Council Resolution 1643 (2005). Section 1 of the Regulations prohibits the sale or supply of weapons and military equipment to Côte d'Ivoire . Section 2 prevents the entry into or transit through Norway of all persons designated by the Committee who constitutes a threat to the peace and national reconciliation process in Côte d'Ivoire. Section 3 implies the freezing of assets owned or controlled directly or indirectly to those designated by the Committee who constitutes a threat to the peace and national reconciliation process in Côte d'Ivoire. Section 4 prohibits the direct or indirect import of all rough diamonds from Côte d'Ivoire.

4. Pursuant to Section 2 of the 1968 Act, any wilful or negligent contravention of the Regulations is punishable by imprisonment, fines or both.

III. Contravention of the legal measures

5. The Norwegian authorities concerned are not aware of any contravention of the legal measures described above.

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 27 April 2006 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and has the honour to submit with this note the second report of Switzerland prepared pursuant to paragraph 7 of Security Council resolution 1643 (2005) (see annex).

06-33713 (E) 110506 180506

Annex to the note verbale dated 27 April 2006 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

Report of Switzerland prepared pursuant to paragraph 7 of resolution 1643 (2005)

In its resolution 1643 (2005) of 15 December 2005, the Security Council requests all States to report to the Security Council Committee established pursuant to resolution 1572 (2004) on the actions they have taken to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraphs 4 and 6 of resolution 1643 (2005).

On 15 February 2005, Switzerland submitted an initial report to the Committee on the actions taken to implement the measures imposed by resolution 1572 (2004).

On 19 January 2005, the Swiss Federal Council (the Govt) adopted an ordinance instituting measures against Côte d'Ivoire (hereinafter referred to as "the ordinance"). Through this ordinance, which entered into force on 20 January 2005, Switzerland is implementing resolutions 1572 (2004), 1584 (2005) and 1643 (2005).

Paragraph 7 of resolution 1572 (2004)

Article 1 of the ordinance prohibits the "supply, sale or transfer to Côte d'Ivoire of military equipment of any kind, particularly military aircraft and other materiel". The same article further prohibits "the provision to Côte d'Ivoire of any assistance, advice or training related to military activities". Prior to the entry into force of the ordinance, the ban on supplying military equipment to Côte d'Ivoire, imposed by resolution 1572 (2004), was implemented through the Federal Law on War Materiel of 13 December 1996 and the Federal Law on the Control of Assets of the same date, and by their respective implementing legislation.

Paragraphs 9 and 11 of resolution 1572 (2004)

Article 2 of the ordinance provides for the freezing of assets and economic resources (and includes a ban on making assets or economic resources available to designated persons and entities), in accordance with paragraph 11 of resolution 1572 (2004). Article 4 of the ordinance bans entry into and transit through Switzerland in accordance with paragraph 9 of the resolution. On 28 February 2006, the names of three persons designated by the Committee on 7 February 2006 were included in the annex to the ordinance, which contains the list of persons targeted by the coercive measures laid down in articles 2 and 4.

Paragraph 4 of resolution 1643 (2005)

Switzerland considers that this paragraph is directed at the sanctions Committee and contains no measures directly applicable by Member States.

Paragraph 6 of resolution 1643 (2005)

As a country participating in the Kimberley Process Certification Scheme, Switzerland fully supports the measures adopted by the Kimberley Process meeting in plenary session in Moscow in November 2005. In order to prevent the entry into

Swiss territory of any rough diamonds from Côte d'Ivoire, the customs authorities have been instructed to turn away all consignments from Côte d'Ivoire intended for importation into Switzerland or admission to the free port.

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Security Council

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 27 April 2006 from the Permanent Representative of Cyprus to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of the Republic of Cyprus to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, and has the honour to inform him that Security Council resolution 1643 (2005) has been brought to the attention of the relevant and competent authorities of the Republic of Cyprus for its full implementation, by decision No. 244/2006 of 23 February 2006 of the Council of Ministers. Furthermore, it is recalled that on 1 December 2004 the Council of Ministers of the Republic of Cyprus had adopted decision No. 61.233 providing for the full implementation of Security Council resolution 1572 (2004).

In addition to the aforementioned measures, the Republic of Cyprus remains bound to all relevant European Union Common Positions and Council Regulations adopted for implementation of Security Council resolutions providing for the imposition of restrictive measures. To this date, and further to Common Position No. 852 of 13 December 2004 and Council Regulation No. 174 of 31 January 2005, the European Union has adopted Council Regulation 560 of 12 April 2006, regarding Security Council resolution 1572 (2004), and Common Position No. 2006/30 of 23 January 2006, regarding Security Council resolution 1643 (2005).

06-33666 (E) 120506

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Security Council

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 11 May 2006 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Italy to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, and has the honour to report on the steps that have been taken to implement the measures contained in Security Council resolution 1643 (2005).

On 23 January 2006, the Council of the European Union (EU) adopted Common Position 2006/30/CFSP, which extends the measures introduced by Common Position 2004/852/CFSP (imposed by Security Council resolution 1572 (2004)), and implemented the new measures imposed by Security Council resolution 1643 (2005). These EU Common Positions are directly applicable in Italy.

According to the relevant Italian law, the export of arms and military materiel to countries under United Nations embargo is prohibited and violators are subject to criminal prosecution. Violators of the ban on diamonds are subject to the relevant provisions existing in Italy to combat the importing of prohibited goods.

Finally, Italy has enforced the targeted measures (assets freeze and travel ban) imposed on the three individuals identified by the sanctions Committee through appropriate notification of the relevant national authorities.

06-36927 (E) 060606

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Note verbale dated 22 May 2006 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and, with reference to the latter's note of 16 March 2006, has the honour to transmit herewith the report of the Government of Denmark, in accordance with paragraph 7 of Security Council resolution 1643 (2005) (see annex).

06-36959 (E) 080606

Annex to the note verbale dated 22 May 2006 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Denmark and the other Member States of the European Union have jointly implemented the restrictive measures against Côte d'Ivoire imposed by Security Council Resolutions 1572 (2004) and 1643 (2005) by taking the following common measures[i]:

- Council Common Position 2006/30/CFSP of 23 January 2006[ii]
  The Common Position sets out the EU's commitment to implementation of all the measures contained in UNSCRs 1572 (2004) and 1643 (2005), and provides the basis for some of the specific implementing measures adopted by the Council of the EU. Common Position 2006/30/CFSP replaces Common Position 2004/852/CFSP[iii] which imposed the measures contained in UNSCR 1572 (2004) and expired on 15 December 2005. Specifically, it renews the measures contained in the Common Position 2004/852/CFSP and additionally provides for the prohibition on the import of rough diamonds from Côte d'Ivoire imposed by UNSCR 1643 (2005).

- Council Decision 2006/172/CFSP of 27 February 2006[iv]
  The Council Decision implements Common Position 2004/852/CFSP and establishes, for the purposes of the visa ban, the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006.

- Council Regulation (EC) No 174/2005 of 31 January 2005[v], as amended by Commission Regulation (EC) No 1209/2005[vi]
  The Council Regulation implements in the European Community the restrictions on the supply of assistance related to military activities to Côte d'Ivoire as imposed by UNSCR 1572 (2004). The Commission Regulation, amends the list of competent authorities in Member States to which the Council Regulation assigns specific functions in the implementation of the Council Regulation.

- Council Regulation (EC) No 560/2005 of 12 April 2005[vii], as amended by Commission Regulation (EC) No 250/2006[viii].
  The Council Regulation implements in the European Community the freezing of funds and economic resources of persons and entities designated by the UN Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in UNSCR 1572 (2004). The Commission Regulation amends the Council Regulation by including the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006 in Annex I to the Council Regulation.

- Council Regulation (EC) No 2368/2002 of 20 December 2002[ix].
  The prohibition on the import of all rough diamonds from Côte d'Ivoire, as imposed by UNSCR 1643 (2005), is being enforced in the European Community by virtue of Council Regulation (EC) No 2368/2002 of 20 December 2002, which implements the Kimberley Process Certification Scheme (KPCS) in the European Community. Given that no Kimberley Process certificates are being issued by Côte d'Ivoire and given that the Chair of the Kimberley Process has instructed Participants in the KPCS not to accept any shipments of rough diamonds with certificates issued by the authorities of Côte d'Ivoire, no rough diamonds from Côte d'Ivoire can currently be imported into the European Community. Moreover, in implementation of the

Resolution adopted by KPCS Participants meeting in Plenary in Moscow in November 2005, the European Commission (which represents the European Community in the KPCS) has requested the authorities of Member States to report any imports of rough diamonds suspected of involving rough diamonds originating in Côte d'Ivoire, and any cases of trade of rough diamonds within the EC that are suspected of involving rough diamonds originating in Côte d'Ivoire. To date, there have been no confirmed cases in the EU of import or trade involving rough diamonds originating in Côte d'Ivoire since the entry into force of Regulation 2368/2002.

- Council Regulation (EC) No 539/2001 of 15 March 2001[x].
  This Regulation requires nationals of Côte d'Ivoire to be in possession of a visa when entering the European Union.

Denmark has the following national legislation requiring an export authorisation for the sale, supply, transfer or export of arms and related materiel[xi] to third countries and an authorisation for the provision of brokering services and other services related to military activities, which together with Common Position 2006/30/CFSP provides the basis for enforcement of the arms embargo against Côte d'Ivoire and the ban on related brokering services:
Order No. 1170 of 2 December 2004 prohibits *transport*, while The Weapons Act article 6 prohibits *export*.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all Member States of the European Union [xii]. Regulations (EC) No 174/2005, No 560/2005 and No 2368/2002 require Member States to determine the penalties applicable to infringements of their provisions.

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Through the abovementioned measures the Government of Denmark considers the United Nations Security Council Resolutions No. 1572 and No. 1643 duly implemented in Danish Law.

Until date no violation of neither resolution No. 1572 nor 1643 has been detected. Any future violation will be brought to the attention of the Committee without delay.

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[i] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web-pages:
http://europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en (published issues) and http://europa.eu.int/eur-lex/lex/RECH_menu.do?ihmlang=en (search form)

[ii] Official Journal of the European Union L 19, 24.1.2006, p. 36

[iii] Official Journal of the European Union L 368, 15.12.2004, p. 50

[iv] Official Journal of the European Union L 61, 2.3.2006, p. 21

[v] Official Journal of the European Union L 29, 2.2.2005, p. 5

[vi] Official Journal of the European Union L 197, 28.7.2005, p. 21

[vii] Official Journal of the European Union L 95, 14.4.2005, p. 1

[viii] Official Journal of the European Union L 42, 14.2.2006, p. 24

[ix] Official Journal of the European Union L 358, 31.12.2002, p. 28

[x] Official Journal of the European Union L 81, 21.3.2001, p. 1.

[xi] This legislation should apply to all goods included in the Common Military List of the European Union, Official Journal of the European Union C 66, 17.3.2006, p. 1.

[xii] Regulation (EC) No 539/2001 apply neither to Ireland nor to the United Kingdom.

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Note verbale dated 24 May 2006 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and has the honour to provide the following information (see annex).

06-36965 (E) 090606

Annex to the note verbale dated 24 May 2006 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

1. Austria and the other member States of the European Union have jointly implemented the restrictive measures against Côte d'Ivoire imposed by Security Council resolutions 1572 (2004) and 1643 (2005) by taking the following common measures:[1]

- **Council Common Position 2006/30/CFSP of 23 January 2006**[2]

  The Common Position sets out the EU's commitment to implementation of all the measures contained in Security Council resolutions 1572 (2004) and 1643 (2005), and provides the basis for some of the specific implementing measures adopted by the Council of the EU. Common Position 2006/30/CFSP replaces Common Position 2004/852/CFSP[3] which imposed the measures contained in resolution 1572 (2004) and expired on 15 December 2005. Specifically, it renews the measures contained in the Common Position 2004/852/CFSP and additionally provides for the prohibition on the import of rough diamonds from Côte d'Ivoire imposed by resolution 1643 (2005).

- **Council Decision 2006/172/CFSP of 27 February 2006**[4]

  The Council Decision implements Common Position 2004/852/CFSP and establishes, for the purposes of the visa ban, the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006.

- **Council Regulation (EC) No. 174/2005 of 31 January 2005,**[5] **as amended by Commission Regulation (EC) No. 1209/2005**[6]

  The Council Regulation implements in the European Community the restrictions on the supply of assistance related to military activities to Côte d'Ivoire as imposed by resolution 1572 (2004). The Commission Regulation amends the list of competent authorities in member States to which the Council Regulation assigns specific functions in the implementation of the Council Regulation.

- **Council Regulation (EC) No. 560/2005 of 12 April 2005,**[7] **as amended by Commission Regulation (EC) No. 250/2006**[8]

  The Council Regulation implements in the European Community the freezing of funds and economic resources of persons and entities designated by the United Nations sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain

[1] All common measures are published in the Official Journal of the European Union, which can be consulted at the following web pages: http://europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en (published issues) and http://europa.eu.int/eur-lex/lex/RECH_menu.do?ihmlang=en (search form).

[2] Official Journal of the European Union L 19, 24.1.2006, p. 36.

[3] Official Journal of the European Union L 368, 15.12.2004, p. 50.

[4] Official Journal of the European Union L 61, 2.3.2006, p. 21.

[5] Official Journal of the European Union L 29, 2.2.2005, p. 5.

[6] Official Journal of the European Union L 197, 28.7.2005, p. 21.

[7] Official Journal of the European Union L 95, 14.4.2005, p. 1.

[8] Official Journal of the European Union L 42, 14.2.2006, p. 24.

exemptions as provided for in resolution 1572 (2004). The Commission Regulation amends the Council Regulation by including the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006 in annex I to the Council Regulation.

- **Council Regulation (EC) No. 2368/2002 of 20 December 2002**[9]

The prohibition on the import of all rough diamonds from Côte d'Ivoire, as imposed by resolution 1643 (2005), is being enforced in the European Community by virtue of Council Regulation (EC) No. 2368/2002 of 20 December 2002, which implements the Kimberley Process Certification Scheme (KPCS) in the European Community. Given that no Kimberley Process certificates are being issued by Côte d'Ivoire and given that the Chair of the Kimberley Process has instructed Participants in the KPCS not to accept any shipments of rough diamonds with certificates issued by the authorities of Côte d'Ivoire, no rough diamonds from Côte d'Ivoire can currently be imported into the European Community. Moreover, in implementation of the resolution adopted by KPCS Participants meeting in plenary in Moscow in November 2005, the European Commission (which represents the European Community in the KPCS) has requested the authorities of member States to report any imports of rough diamonds suspected of involving rough diamonds originating in Côte d'Ivoire, and any cases of trade of rough diamonds within the EC that are suspected of involving rough diamonds originating in Côte d'Ivoire. To date, there have been no confirmed cases in the EU of import or trade involving rough diamonds originating in Côte d'Ivoire since the entry into force of Regulation 2368/2002.

- **Council Regulation (EC) No. 539/2001 of 15 March 2001**[10]

This Regulation requires nationals of Côte d'Ivoire to be in possession of a visa when entering the European Union.

The above-mentioned Council Regulations are binding in their entirety and directly applicable to all member States of the European Union.[11]

2. In addition, Austria has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel[12] to third countries and an authorization for the provision of brokering services and other services related to military activities, which together with Common Position 2006/30/CFSP provides the basis for enforcement of the arms embargo against Côte d'Ivoire and the ban on related brokering services:

- **Austrian War Materials Act (WMA), Foreign Trade Act (FTA) and the Foreign Trade Act Regulation (FTAR)**

According to the Austrian War Materials Act (WMA, Federal Law Gazette I, No. 57/2001, as amended), the Foreign Trade Act (FTA, Federal Law Gazette, No. 50/2005, as amended) and the Foreign Trade Act Regulation (FTAR, Federal Law Gazette II, No. 121/2006, as amended) no authorization may be

[9] Official Journal of the European Union L 358, 31.12.2002, p. 28.
[10] Official Journal of the European Union L 81, 21.3.2001, p. 1.
[11] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.
[12] This legislation should apply to all goods included in the Common Military List of the European Union, Official Journal of the European Union C 66, 17.3.2006, p. 1.

granted to export war materials, weapons, etc. to countries that are subject to a United Nations or EU arms embargo.

3. Regulations (EC) No. 174/2005, No. 560/2005 and No. 2368/2002 require member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Austria are set out in the following legislation:

- **Austrian War Materials Act (WMA) and Foreign Trade Act (FTA)**

  Non-compliance with the WMA or the FTA is, in principle, an administrative offence but may, under certain circumstances, also be regarded as a criminal offence to be punished with up to five years of imprisonment or payment of a fine of up to 360 daily rates.

- **Freezing of Funds — Austrian Exchange Control Act**

  The Austrian Exchange Control Act (Federal Law Gazette I, No. 123/2003) stipulates that non-compliance with regulations of the European Union or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence to be punished with up to one year of imprisonment.

- **Import of diamonds — Austrian Foreign Trade Act (FTA)**

  According to provisions of the Foreign Trade Act (Federal Law Gazette I, No. 50/2005) non-compliance with an international obligation, a regulation of the European Union or an Austrian Federal regulation can be punished with up to two years of imprisonment. These provisions also apply to the import of all rough diamonds from Côte d'Ivoire.

- **Assistance — Austrian Penal Code**

  According to the Austrian Penal Code (Federal Law Gazette I, No. 136/2004) the illegal military assistance or support to a party to an armed conflict where the Republic of Austria is not involved is to be regarded as a criminal offence and is to be punished with up to five years of imprisonment.

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Note verbale dated 7 June 2006 from the Permanent Mission of Sweden to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Sweden to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and, with reference to the Chairman's note of 16 March 2006, has the honour to submit its national report pursuant to paragraph 7 of resolution 1572 (2004).

06-38146 (E) 160606

Annex to the note verbale dated 7 June 2006 from the Permanent Mission of Sweden to the United Nations addressed to the Chairman of the Committee

National report by Sweden to the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

This report is set out in accordance with the guidelines in the note of 16 of March 2006 to the Permanent Representative of Sweden to the United Nations.

Sweden and the other Member States of the European Union have jointly implemented the restrictive measures against Côte d' Ivoire imposed by Security Council Resolutions 1572 (2004) and 1643 (2005) by taking the following common measures[1]:

- Council Common Position 2006/30/CFSP of 23 January 2006[2]

  The Common Position sets out the EU' s commitment to implementation of all the measures contained in UNSCRs 1572 (2004) and 1643 (2005), and provides the basis for some of the specific implementing measures adopted by the Council of the EU. Common Position 2006/30/CFSP replaces Common Position 2004/852/CFSP[3] which imposed the measures contained in UNSCR 1572 (2004) and expired on 15 December 2005. Specifically, it renews the measures contained in the Common Position 2004/852/CFSP and additionally provides for the prohibition on the import of rough diamonds from Côte d' Ivoire imposed by UNSCR 1643 (2005).

- Council Decision 2006/172/CFSP of 27 February 2006[4]

  The Council Decision implements Common Position 2004/852/CFSP and establishes, for the purposes of the visa ban, the list of three persons designated by the Côte d' Ivoire Sanctions Committee on 7 February 2006.

- Council Regulation (EC) No 174/2005 of 31 January 2005[5], as amended by Commission Regulation (EC) No 1209/2005[6]

  The Council Regulation implements in the European Community the restrictions on the supply of assistance related to military activities to Côte d' Ivoire as imposed by UNSCR 1572 (2004). The Commission Regulation, amends the list of competent authorities in

Member States to which the Council Regulation assigns specific functions in the implementation of the Council Regulation.

- Council Regulation (EC) No 560/2005 of 12 April 2005[7], as amended by Commission Regulation (EC) No 250/2006[8].

The Council Regulation implements in the European Community the freezing of funds and economic resources of persons and entities designated by the UN Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in UNSCR 1572 (2004). The Commission Regulation amends the Council Regulation by including the list of three persons designated by the Côte d' Ivoire Sanctions Committee on 7 February 2006 in Annex I to the Council Regulation.

- Council Regulation (EC) No 2368/2002 of 20 December 2002[9].

The prohibition on the import of all rough diamonds from Côte d' Ivoire, as imposed by UNSCR 1643 (2005), is being enforced in the European Community by virtue of Council Regulation (EC) No 2368/2002 of 20 December 2002, which implements the Kimberley Process Certification Scheme (KPCS) in the European Community. Given that no Kimberley Process certificates are being issued by Côte d' Ivoire and given that the Chair of the Kimberley Process has instructed Participants in the KPCS not to accept any shipments of rough diamonds with certificates issued by the authorities of Côte d' Ivoire, no rough diamonds from Côte d' Ivoire can currently be imported into the European Community. Moreover, in implementation of the Resolution adopted by KPCS Participants meeting in Plenary in Moscow in November 2005, the European Commission (which represents the European Community in the KPCS) has requested the authorities of Member States to report any imports of rough diamonds suspected of involving rough diamonds originating in Côte d' Ivoire, and any cases of trade of rough diamonds within the EC that are suspected of involving rough diamonds originating in Côte d' Ivoire. To date, there have been no confirmed cases in the EU of import or trade involving rough diamonds originating in Côte d' Ivoire since the entry into force of Regulation 2368/2002.

- Council Regulation (EC) No 539/2001 of 15 March 2001[10].

  This Regulation requires nationals of Côte d' Ivoire to be in possession of a visa when entering the European Union.

Sweden has the following national legislation requiring an export authorisation for the sale, supply, transfer or export of arms and related materiel. This legislation should apply to all goods included in the Common Military List of the European Union, Official Journal of the European Union C 66, 17.3.2006, p. 1. to third countries and an authorisation for the provision of brokering services and other services related to military activities, which together with Common Position 2006/30/CFSP provides the basis for enforcement of the arms embargo against Côte d'Ivoire and the ban on related brokering services: Regulation (EC) No 174/2005: Military Equipment Act (Swedish Code of Statues 1992:130) and Swedish Weapons Act (Swedish Code of Statues 1996:67).

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all Member States of the European Union [11]. Regulations (EC) No 174/2005, No 560/2005 and No 2368/2002 require Member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Sweden are set out in the following legislation: Regulation (EC) No 174/2005: Military Equipment Act (Swedish Code of Statues 1992:130) and Swedish Weapons Act (Swedish Code of Statues 1996:67), Regulation (EC) No 560/2005: Swedish Act on Certain International Sanctions (Swedish Code of Statues 1996:95), Regulation (EC) No 2368/2002: Swedish Law on Penalties for Smuggling (Swedish Code of Statues 2000:1225).

As regards restrictions on admission (visa ban), Sweden has the following national legislation, which together with Common Position 2006/30/CFSP and Regulation (EC) No 539/2001 provides the basis for refusal of admission and denial of requests for a visa: Aliens Act (Swedish Code of Statues 2005:716), Aliens Ordinance (Swedish Code of Statues 2006:97), Special Control of Aliens Act (Swedish Code of Statues 1991:572).

[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web-pages: http://europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en (published issues) and http://europa.eu.int/eur-lex/lex/RECH_menu.do?ihmlang=en (search form)
[2] Official Journal of the European Union L 19, 24.1.2006, p. 36 .
[3] Official Journal of the European Union L 368, 15.12.2004, p. 50 .
[4] Official Journal of the European Union L 61, 2.3.2006, p. 21 .
[5] Official Journal of the European Union L 29, 2.2.2005, p. 5 .
[6] Official Journal of the European Union L 197, 28.7.2005, p. 21 .
[7] Official Journal of the European Union L 95, 14.4.2005, p. 1 .
[8] Official Journal of the European Union L 42, 14.2.2006, p. 24 .
[9] Official Journal of the European Union L 358, 31.12.2002, p. 28 .
[10] Official Journal of the European Union L 81, 21.3.2001, p. 1 .
[11] Regulation (EC) No 539/2001 apply neither to Ireland nor to the United Kingdom.